

Tribunal de santé et
sécurité au travail Canada



Occupational Health
and Safety Tribunal Canada

Ottawa, Canada K1A 0J2

Case No.: 2009-02

Interlocutory Decision
OHSTC-09-018(I)

CANADA LABOUR CODE
PART II
OCCUPATIONAL HEALTH AND SAFETY

Public Health Agency of Canada

appellant

and

Mr. Rino De Rosa

respondent

May 19, 2009

PROCEDURAL ORDER FOR AN *IN CAMERA* HEARING

For the appellant

Richard Fader, Counsel: Treasury Board Legal Services

For the respondent

Bijon Roy, Counsel: Raven, Cameron, Ballantyne & Yazbeck LLP/ s.r.l.

Canada

WHEREAS the Public Health Agency of Canada has appealed the direction issued by Health and Safety Officer McKeigan, on December 17, 2008.

AND WHEREAS the appellant, through its counsel, seeks an Order from the Appeals Officer that the appeal be held *in camera* as it involves questions dealing with National Security;

AND WHEREAS the Appeals Officer recognizes that this case could disclose sensitive materials dealing with issues of National Security;

AND WHEREAS the respondent, does not oppose the request;

AND WHEREAS it is stated in paragraph 146.2(h) of the *Canada Labour Code*, Part II;

146.2 For the purposes of a proceeding under subsection 146.1(1), an appeals officer may

(h) determine the procedure to be followed, but the officer shall give an opportunity to the parties to present evidence and make submissions to the officer, and shall consider the information relating to the matter;

the Appeals Officer orders that:

1. The hearing will be held *in camera* for the case under appeal.
2. Any evidence adduced *in camera* and any written submissions are expressly prohibited from disclosure by anyone participating and assisting to these procedures. This includes evidence in support of Health and Safety Officer McKeigan's testimony.

Issued at Ottawa this 19th day of May, 2009.


Richard Lafrance
Appeals Officer

